

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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In the Matter of)

FEB 27 2004

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Amendment of Section 73.202(b),
Table of Allotments,
FM Broadcast Stations
(Milford, Utah)

) MB Docket No. 02-331
) RM-10589
) RM-10854
) RM-10855

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

To: Marlene Dortch, Office of the Secretary
Attn: Assistant Chief, Audio Division
Media Bureau

REPLY COMMENTS

Sky Media, LLC ("Sky Media"), licensee of Station KPKK (formerly KPUP), Amargosa Valley, Nevada, by its counsel, hereby submits its reply comments in response to the Commission's Public Notice, Report No. 2646 (Feb. 13, 2004), announcing the filing of two petitions for rule making that the Commission is treating as counterproposals in the above-captioned proceeding.

1. One petition, filed by SSR Communications Incorporated, proposes to allot Channel 272C3 to Pahrump, Nevada as its fourth FM broadcast service. The other petition, filed by Steven M. Greeley, proposes to delete Channel 272C2 at Lake Havasu City, Arizona, and allot Channel 272C at Pahrump, Nevada. While these two petitions evidently conflict with one another, neither petition appears to conflict with the proposed allotment of Channel 288C2 at Milford, Utah proposed in this proceeding. Therefore, it is not clear why the Commission is treating these two petitions as counterproposals here.

2. Sky Media is aware of a third pleading, filed by Craig Morris, captioned as a "counterproposal" in this proceeding. The two petitions for rule making *are* in conflict with the Morris counterproposal. An inference may be drawn that the Morris counterproposal has been

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accepted for filing in this proceeding, although it did not appear on the Public Notice, since it is the missing link connecting all three petitions.

3. Sky Media opposed acceptance of the Morris counterproposal in Reply Comments filed in this proceeding on December 31, 2002. The Morris counterproposal is defective because it is contingent upon, and late-filed to, three pending rule making proceedings (MM Docket No. 02-14, MM Docket No. 02-12, and MM Docket 01-135). It also lacks consent of three licensees, in violation of the Commission's *Columbus Nebraska*, policy, 59 Rad. Reg. 2d 1185 (1986). It is also defective because it proposes a nonadjacent community of license change for Station KJJJ, Lake Havasu City, Arizona, in violation of Section 1.420(i). Apparently the Commission has agreed that the Morris counterproposal is defective and unacceptable by not including it in the Public Notice. Since the Morris counterproposal has not been accepted, any proposals filed in conflict with it should not be included in this proceeding.

Respectfully submitted,

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February 27, 2004

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CERTIFICATE OF SERVICE

I, Lisa Balzer, a secretary at the law firm of Vinson & Elkins, do hereby certify that a true copy of the foregoing Reply Comments was sent this 27th day of February, 2004, via hand-delivery and United States First Class Mail, postage prepaid, to the following:

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